

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
Plaintiff,                   )                           4:09CR3050  
                                  )  
                                  )  
V.                            )  
                                  )                           MEMORANDUM AND ORDER  
JOSE A. ARTIAGA,            )  
                                  )  
                                  )  
Defendant.                   )

The defendant has moved to continue the trial currently set for December 14, 2009, (filing no. [25](#)), because he needs additional time for plea negotiations with the government or, in the alternative, to prepare for trial. The government does not oppose the requested continuance. The Court finds defendant's motion should be granted.

IT IS ORDERED:

- 1) Defendant Jose Artiaga's motion to continue, (filing no. [25](#)), is granted.
- 2) The trial of this case is set to commence before Judge Warren K. Urbom at 9:00 a.m. on February 22, 2010 for a duration of five trial days. Jury selection will be at the commencement of trial.
- 3) Based upon the showing set forth in the defendant's motion and the representations of his counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and February 22, 2010, shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7)(A).

December 7, 2009.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge